

### **REMARKS**

In the above-mentioned office action, all of the pending claims, claims 44, 45, and 47-103 were rejected. Claims 44-45, and 47-103 were rejected under the judicially created doctrine of the obviousness-type double patenting over claims 1-47 of US Patent No. 6,452,588 combined with Hughes. Claims 44-45 and 47-103 were further rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-25 of US Patent No. 6,611,254 in combination with Hughes. Additionally, claims 44-45, 47-52, 56-59, 64, 68-69, 75-86, and 91-97 were rejected under section 103 (a) over the combination Horie and Hughes. Claims 53-55 and 60-63 were rejected under section 103 (a) over the combination Horie, Hughes, and Lookofsky. Claims 71 and 98-103 were rejected under section 103 (a) over the combination of Horie, Hughes, and Aldridge. Claims 65-67, 70, 72-74, and 87-88 were rejected under section 103 (a) over the combination of Horie, Hughes, and Grant. Claim 89 was rejected under section 103 (a) over the combination of Horie, Hughes, and Cairns. And, claim 90 was rejected under section 103 (a) over the combination of Horie, Hughes, and Jarrad.

Responsive to the rejections of the claims, the independent claim, claim 44, has been amended, as set forth herein, in the manners believed the better to distinguish the invention of the present invention over the references cited thereagainst, in any combination. The dependent claims dependent thereon have been amended responsive to the amendments made to their parent claim.

Support for the proposed amendments is found in the specification, for instance, on page 13, lines 14-18 and page 18, lines 9-12.

Specifically, the recitation of the voice communication interface has been amended, now to recite that the speaker, display, and microphone thereof are positioned within the single, integrated device housing and that the dual mobile communication device, when used in the voice mode, is oriented with the side surface positioned at a top of the device.

And, the recitation of the data communication interface has been amended, now to recite that the dual mode mobile device, when used in the data mode, is oriented with the side surface positioned at a top of the device.

Review of claims 1-47 of the '588' patent and of claims 1-25 of Griffin indicates that subject matter recited in claim 44, as now-amended, differs with the subject matter recited in such commonly-assigned patents. None of the claims 1-47 nor claims 1-25 of the respective patents recites orientation of the dual mobile communication device when used in the voice mode and the data mode, respectively.

Hughes was cited merely for showing a dual-mode mobile showing a microphone mounted below a display and a speaker mounted above the display within the front surface of the device housing. This reference also appears not to disclose the subject matter recited now in the amended claims.

Therefore, the combinations of the references relied upon by the examiner in the judicially created, obviousness-type double patenting rejections are believed to be in error in light of the amendments made to claim 44.

Analogously, the rejection of claim 44, as now amended, over the combination of Horie and Hughes, is also respectfully traversed. Horie also does not disclose orientation of the dual mobile communication device when used in the voice mode and in the data mode, with the side surface positioned at a top of the device, all as now-recited in claim 44. And, as just noted, Hughes was not cited for showing such structure. Accordingly, claim 44 is also believed to be distinguishable over this combination of references.

None of the other references, used variously in combination with Horie and Hughes in the rejections of various of the dependent claims, dependent upon claim 44 were relied upon for showing the structure, recited as now-amended. Accordingly, no combination is formable using these additional references to form the structure of claim 44, as now-amended.

The dependent claims include all of the limitations of all their parent claim. These claims are believed to be distinguishable over the cited combinations for the same reasons as those given with respect to their parent claim.

In light of the foregoing, independent claim 44, and the dependent claims dependent thereon, are believed to be in condition for allowance. Accordingly, reexamination and reconsideration for allowance of these claims is respectfully requested. Such early action is earnestly solicited.

Respectfully submitted,

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